(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.C.C.No. 109 /2005

APPLICANTS:

Fakiro (since deceased)
His legal heirs are

1) Gorango, S/o Fakiro,
Aged about 54 years.

2) Janakram, S/o Fakiro,
Aged about 51 years.

3) Saligram, S/o Fakiro,
Aged about 41 years.

4) Kartikram, S/o Fakiro,
Aged about 47 years.

Applicants No. 1 to 4 R/o Village: Pokdega, PS & Tehsil: Lailunga, District: Raigarh (C.G.)

P.R. No. 1391/05
Presented by Shri H.S. Patel
dated 12-05-05

5) Laxmibai, D/o Fakiro, W/o Purno, Aged about 60 years, R/o Village: Horoguna, Tehsil: Lailunga, District: Raigarh (C.G.)

6) Goholabai, D/o Fakiro, W/o Fakiro, Aged about 57 years, R/o Village: Tendudih, PS & Tehsil: Hingir, District: Sundargarh (Orissa).

7) Supobai, D/o Fakiro, W/o Sagaro Pradhan, Aged about 37 years, R/o Village: Lamdad, Tehsil: Lailunga, District: Raigarh (C.G.)

8) Rajkumari Bai, D/o Fakiro, Aged about 33 years, R/o Village: Sharamdega, Tehsil: Lailunga, District: Raigarh (C.G.)

Vs.

NON-APPLICANTS:

1) Jalsay, S/o Sanjhu Nagvanshi, Aged about 40 years.

2) Motiram, S/o Lodhi Nagwanshi, Aged about 42 years.

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12/05/05

3) Kehru, S/o Nanhi Nagwanshi,
Aged about 50 years.

4) Konda, S/o Thuiyan Nagwanshi,
Aged about 55 years.

5) Vitangu, S/o Thuiyan Nagvanshi,
Aged about 60 years.

Non-applicants No.1 to 4 all cultivators. No.1, 3, 4 & 5 R/o Village: Basantpur, No.2 R/o Narayanpur, PS & Tehsil: Lailunga, District: Raigarh (C.G.)

6) State of Chhattisgarh,
Through the Collector,
District: Raigarh (C.G.)

APPLICATION FOR RESTORATION OF SECOND APPEAL NO.474/1995

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C. 109 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.11.2005

Shri H.S.Patel, learned counsel for the applicant.
Shri A.N.Bhakta, learned counsel for respondents No. 1 to 5.

Heard on M.C.P.No. 761/2005, application for condonation of delay in filing the M.C.C.

Learned counsel for the respondents does not oppose the above application.

The application is allowed for the reasons mentioned in the said application.

Also heard on M.C.C.No.109/2005, application for restoration of Second Appeal No. 474/1995.

Learned counsel for the applicant submits that the Second Appeal No. 474/1995 was dismissed by this Court on 28.02.2005 with a liberty to revive the same. He further submits that since the applicant was not in a position to engage the counsel on 28.02.2005, the appeal was dismissed for non-prosecution.

This application is also not opposed by learned counsel for the respondents.

In view of the above, the application for restoration of second appeal is allowed for the reasons stated in it.

Office is directed to restore the second appeal in its original number.

Sd/-
Dhirendra Mishra
Judge

SP/FS/2005 - 20,000